



VIA HAND DELIVERY JANUARY 15, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Ruben et al.

Docket No.: PZ006P1C1

Application No.: 09/690,454

Allowed: October 16, 2002

Filed: October 18, 2000

Group Art Unit: 1653

For: Secreted Protein HEMCM42

Examiner: K. Carlson

LETTER MAKING PATENT OFFICE ERROR OF RECORD

Commissioner for Patents
Washington, DC 20231

Dear Sir:

Applicants hereby submit that the Continuing Data stated on the official filing receipt, mailed January 15, 2001 contains an error committed by the Patent Office. Specifically, the priority information should read as follows:

This application is a CN of 09/189,144 11/10/1998 ABN
which is a CIP of PCT/US98/10868 05/28/1998
which claims benefit of 60/044,039 05/30/1997
and claims benefit of 60/048,093 05/30/1997
and claims benefit of 60/048,190 05/30/1997
and claims benefit of 60/050,935 05/30/1997
and claims benefit of 60/048,101 05/30/1997
and claims benefit of 60/048,356 05/30/1997
and claims benefit of 60/056,250 08/29/1997
and claims benefit of 60/056,296 08/29/1997
and claims benefit of 60/056,293 08/29/1997
and a CIP of PCT/US98/10868 05/28/1998

Applicants hereby submit that the error was committed by the Patent Office as evidenced by Applicants' Preliminary Amendment filed on October 18, 2000 (a copy of which is submitted herewith along with a copy of the date-stamped postcard). Applicants respectfully request that this Letter be made of record in the above-identified file, pursuant to MPEP §1480.

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No fees are believed due with the submission of this Letter. However, should the Patent Office deem otherwise, the Patent Office is hereby authorized to charge any deficiency in the fees filed, or credit any overpayment, to our Deposit Account No. 08-3425.

Dated: January 15, 2003

Respectfully submitted,

By


Janet M. Martineau

Registration No.: 46,903

HUMAN GENOME SCIENCES, INC.

9410 Key West Avenue

Rockville, Maryland 20850

(301) 315-2723

KKH/JMM/FR/ba



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Ruben et al.

Application Number: to be assigned

Group Art Unit: to be assigned

Filed: herewith

Examiner: to be assigned

Title: 32 Human Secreted Proteins

Attny. Docket No. PZ006P1C1

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir :

Prior to the prosecution of the above-captioned application, please enter the following amendments. Applicants submit concurrently herewith a copy of the Petition for Extension of Time under 37 C.F.R. § 1.136 ("Petition") filed in connection with parent application no. 09/189,144, which extends the time from June 18, 2000 to and including October 18, 2000. This Petition evidences copendency between parent application Serial No. 09/189,144 and the present application.

Amendments

In the Specification

Page 1, first paragraph, change "This application is a continuation-in-part of, and claims benefit under 35 U.S.C. § 120 of copending United States patent application Serial No: PCT/US98/10868, filed May 28, 1998, which is hereby incorporated by reference, which claims benefit under 35 U.S.C. § 119(e) based on U.S. Provisional Applications:" to -- This application is a Continuation of U.S. Application No, 09/189,144 filed November 10, 1998, which is hereby incorporated by reference, which is a continuation-in-part of, and claims benefit under 35 U.S.C. § 120 of copending United States patent application Serial No. PCT/US98/10868, filed May 28, 1998, which is hereby incorporated by reference, and which claims benefit under 35 U.S.C. § 119(e) based on the following U.S. Provisional Applications, all of which are hereby incorporated by reference: --

In the Claims

Please amend the claims as follows:

Claim 17, delete "or the polynucleotide of claim 1".

Please add the following claim:

-- 24. A method for preventing, treating, or ameliorating a medical condition, comprising administering to a mammalian subject a therapeutically effective amount of the polynucleotide of claim 1. --

REMARKS

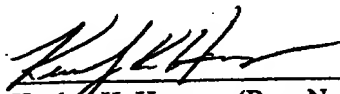
The specification has been amended to add priority information. The claims have been amended to more particularly point out and distinctly claim the subject matter applicants regard as the invention. Support for new claim 24 can be found throughout the application as filed.

No new matter has been introduced.

Applicants believe that no fee is required for this submission. However, should a fee be due, please charge such fee to Deposit Account No. 08-3425

Respectfully submitted

Date: October 18, 2000


Kenley K. Hoover (Reg. No. 40,302)
Attorney for Applicants

Human Genome Sciences, Inc.
9410 Key West Avenue
Rockville, MD 20850
(301) 610-5771 (telephone)

KKH/SA/ur



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ISSUE FEE TRANSMITTAL

Box Issue Fee
Commissioner for Patents
Washington, DC 20231

Dear Sir:

In response to the Notice of Allowance and Fee(s) Due mailed October 16, 2002,
Applicants submit herewith:

1. a Fee Transmittal Sheet, with appropriate fee(s); and
2. Part B - Fee(s) Transmittal (Form PTOL-85), with fee(s).

The U.S. Patent and Trademark Office is hereby authorized to charge any deficiency in
the fees filed, or credit any overpayment, to our Deposit Account No. 08-3425.

Dated: January 15, 2003

Respectfully submitted,

By 
Janet M. Martineau

Registration No.: 46,903
HUMAN GENOME SCIENCES, INC.
9410 Key West Avenue
Rockville, Maryland 20850
(301) 315-2723

KKH/JMM/FR/ba



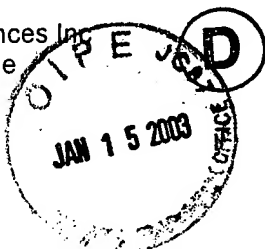
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/690,454	10/18/2000	1631	862	PZ006P1C1		24	4

RECEIVED FILING RECEIPT

Kenley K Hoover Esq
Human Genome Sciences Inc
9410 Key West Avenue
Rockville, MD 20850



JAN 18 2001
KKH SADS
HGS PATENT DEPT.



OC000000005678959

Date Mailed: 01/15/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the PTO processes the reply to the Notice, the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Steven M. Ruben, Olney, MD ;
Craig A. Rosen, Laytonville, MD ;
Kenneth C. Carter, North Potomac, MD ;
Patrick J. Dillon, Carlsbad, CA ;
Gregory A. Endress, Potomac, MD ;
Guo-Liang Yu, Berkeley, CA ;
Jian Ni, Rockville, MD ;
Ping Feng, Gaithersburg, MD ;

Continuing Data as Claimed by Applicant

THIS APPLICATION IS A CON OF 09/189,144 11/10/1998 ABN
WHICH CLAIMS BENEFIT OF 60/044,039 05/30/1997
AND CLAIMS BENEFIT OF 60/048,093 05/30/1997
AND CLAIMS BENEFIT OF 60/048,190 05/30/1997
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AND CLAIMS BENEFIT OF 60/056,296 08/29/1997
AND CLAIMS BENEFIT OF 60/056,293 08/29/1997
~~AND A CIP OF PCT/US98/10866 05/28/1998~~

WHICH IS A CIP OF
PCT/US98/10866 05/28/1998

Foreign Applications

If Required, Foreign Filing License Granted 01/07/2001